

BEIJING REVIEW

北京周報

A CHINESE WEEKLY
OF
NEWS AND VIEWS

- Premier Hua in Japan
- China's Two New Laws in Effect



HIGHLIGHTS OF THE WEEK

Premier Hua in Japan

The first Chinese head of government to visit Japan. Joint press communique (p. 8). Speech at the meeting organized by six friendship organizations (p. 10). Press conference in Tokyo (p. 11).

China's Criminal Law

What constitutes a counter-revolutionary crime in China? What does punishment combined with leniency mean? Why does China still retain the death sentence? How are Chinese lawyers different from their counterparts abroad? In our Special Feature, legal experts answer questions concerning the principles and practice of the new criminal law and the law of criminal procedure (p. 17).

Trial in Absentia

The Soviets and their Vietnamese followers may stay away from the Geneva conference on international relief for the Kampuchean people, but they cannot escape world condemnation and will be judged by history (p. 13).

Agnes Smedley Remembered

A great pioneer of U.S.-Chinese friendship, this American author-journalist is commemorated on the 30th anniversary of her death (p. 4).

Young Workers and Modernization

Many enterprising and talented young workers have come to the fore in the current modernization drive (p. 30).

Prize-Winning Art Works

Three of the many traditional-style paintings and woodcuts which won national awards and show current artistic trends (p. 27).

Lao She's "Four Generations"

Introducing one of Lao She's recently published and lesser known literary masterpieces depicting life and characters in pre-liberation China (p. 29).

Surgery

Bladder stone removed by a "miniature bomb" (p. 28).



BEIJING REVIEW

北京周报

Published in English, French, Spanish, Japanese, German and Arabic editions

Vol. 23, No. 23 June 9, 1980

CONTENTS

EVENTS & TRENDS 3-7

Premier Hua Visits Japan
30th Anniversary of Smedley's Death
Exhibition in Commemoration of Liu Shaoqi
Technical Transformation of Existing Enterprises
Peasants Learning Technical Know-How
Modernization March
Children's Day Celebrated

ARTICLES AND DOCUMENTS

Joint Press Communique on Premier Hua's Visit to Japan 8

At a Welcoming Meeting:
Premier Hua Guofeng's Speech 10

Premier Hua Gives Press Conference in Tokyo 11

INTERNATIONAL 13-16

Geneva Meeting: A Trial in Absence — "Beijing Review" news analyst An Ding

The Implications of Blacks' Action in Miami — "Renmin Ribao" Correspondent Zhang Yen

Peace and Stability in Middle East: A Common Aspiration — Commentary by Xinhua Correspondent

Moscow: Violating the Olympic Spirit

SPECIAL FEATURE

China's Criminal Law and Law of Criminal Procedure:
Brief Introduction to the Criminal Law — Chen Zhucheng 17
Questions and Answers 18

Punishment Combined With Leniency 20

Basic Principles of the Law of Criminal Procedure — Zhang Zipei 23

China's Lawyers 26

CULTURE & SCIENCE 27-28

BOOKS 29

THE LAND & PEOPLE 30-3

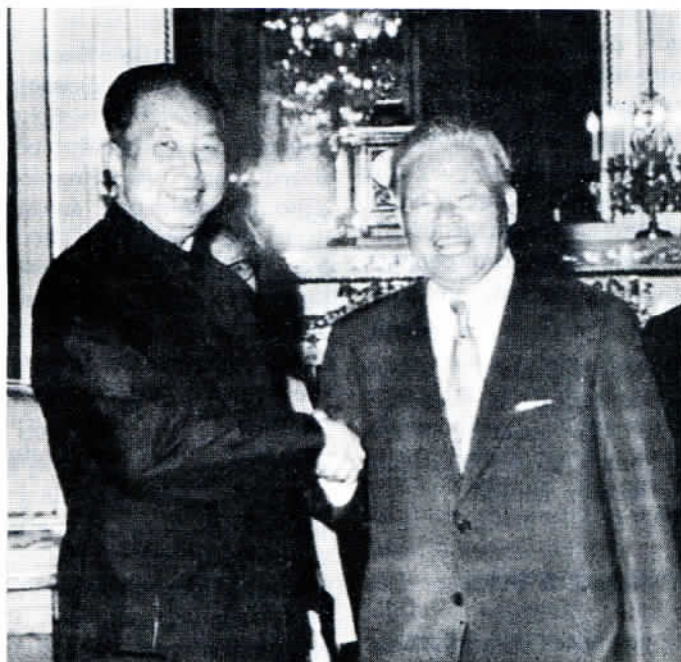
COVER: With the development of friendly relations, mutual visits by the people of China and Japan are continually increasing. The number of such people topped 100,000 in 1979. Picture shows a Chinese friendship delegation receiving a warm welcome upon its arrival in Japan last year.

Published every Monday in Beijing, The People's Republic of China

Distributed by GUOZI SHUDIAN, P.O. Box 399, Beijing, China

Subscription prices (1 year):

Australia.....A.\$12.50 U.S.A....US\$13.50
New Zealand...NZ.\$14.50 U.K.....£6.80
Canada.....Can.\$15.60

**FOREIGN
RELATIONS****Premier Hua Visits Japan**

Premier Hua with Prime Minister Ohira.

Premier Hua Guofeng made an extremely successful visit to Japan from May 27 to June 1. He was warmly welcomed everywhere he went. The first head of the Chinese Government ever to visit Japan, Premier Hua held talks with Japanese leaders in a cordial and friendly atmosphere. They had identical or similar views on major international issues of today. (See press communique on p. 8.)

Sino-Japanese Friendship. Sino-Japanese friendship accords with the common aspirations and fundamental interests of the people of both countries, and is

conducive to peace, stability and prosperity in the Asian-Pacific

region and the world as a whole.

In their talks, Premier Hua and Prime Minister Ohira expressed concern over the mounting international tension and the threat to world peace. They agreed that the growth of Sino-Japanese friendship should contribute to the maintenance of world peace.

At the banquet given by Prime Minister Masayoshi Ohira on May 28 in honour of him, Premier Hua said: "Sino-Japanese friendship is not only the common desire of our two peoples but also a need of our times." The two leaders said that the people of both countries would live in friendship from generation to generation no matter what might happen in the international arena.

Referring to economic co-operation, Premier Hua said during the talks that China looks at such co-operation from the viewpoint of long-range strategy. He added that it is entirely possible for the two



Premier Hua visits the Kawasaki Plant of Fujitsu Ltd.

countries to expand this co-operation steadily over a long period by complementing each other's needs in the light of actual conditions.

"The bridge of China-Japan friendship can stand the test of storms only when it has a firm and solid foundation and when economic co-operation develops vigorously," Premier Hua said at a banquet given in his honour by six Japanese economic organizations on May 29.

During Premier Hua's stay in Japan, the two countries signed an agreement on scientific and technological co-operation and a long-term contract on joint prospecting and exploitation of oil.

30th Anniversary Of Smedley's Death

A meeting was held in Beijing on May 31 in commemoration of the 30th anniversary of the death of Agnes Smedley, a progressive American journalist and writer and an old friend of the Chinese people. The meeting was attended by people of all walks of life in the capital and many foreign friends in China.

Smedley came to Shanghai in the late 1920s. Later, she went to Yanan, the centre of the Chinese revolution at that time. She went to the anti-Japanese war front and worked in the Eighth Route Army and the New Fourth Army led by the Communist Party of China, lived under the most difficult conditions, fought together with the Chinese comrades and shared their weal and woe. As a journalist, she wrote many news reports, telling the people of the world about the Chinese revolution. *The Great Road*

which she wrote gave an account of Comrade Zhu De's life; it was in fact the first biography of a Chinese revolutionary leader. In the 40s, she was a victim of McCarthyism. Poverty-stricken, she died of illness in London.

Kang Keqing, Chairman of the Chinese National Women's Federation and widow of Comrade Zhu De, said at the meeting that Smedley's deep concern and great enthusiasm for the Chinese revolution will always be remembered by the Chinese people. Kang Keqing praised her as the pride of the Chinese and American peoples, particularly women, and a symbol of Sino-U.S. friendship.

Dr. Ma Haide (George Hatem), a friend of Smedley, spoke at the meeting. The noted Chinese writer Mao Dun made a written speech.

News in Brief

Patent on Rice Hybridization.

Under a contract signed two months ago, the China National Seed Corporation is to sell a patent on Chinese rice hybridization to the Ringaround Products, a branch of the Occidental Petroleum Corporation in the United States, and send agro-technicians to the U.S. to pass on relevant techniques.

This is the first time China has ever sold an agricultural patent to a foreign country. Last year, the China National Seed Corporation provided Ring-around with a small amount of hybrid rice seeds which, grown on an experimental basis on American soil, showed a rise in yield as compared with local strains.

Co-operation, Protocol Between China and Italy. The Chinese

Second Machine Building Ministry and the Italian Nuclear Energy National Committee on May 19 signed a protocol in Rome on scientific and technological co-operation in the peaceful use of nuclear energy. The protocol stipulates that this co-operation should be in accordance with the laws and regulations in force in either country.

Vice-Premier Bo Meets Dean of U.S. Journalism School.

Roy Fisher, Dean of the School of Journalism, University of Missouri, told Vice-Premier Bo Yibo at a meeting on May 29 that the school is considering the establishment of an Edgar Snow fellowship, in memory of the noted writer on China who was a graduate of the school. He also said that he hopes Chinese journalists will go to the school to study.

Vice-Premier Bo Yibo said that the fellowship "will win the support of Chinese press circles. He added that it is of great significance to promote co-operation in education in journalism between the two countries.

Present at the meeting were An Gang, deputy editor-in-chief of *Renmin Ribao* and director of the Institute of Journalism; Wang Xi, chief editor of *Beijing Review*; and Duan Liancheng, a leading member of *Beijing Review* who is an alumnus of the Missouri school.

POLITICAL

Exhibition in Commemoration Of Liu Shaoqi

An exhibition in commemoration of Comrade Liu Shaoqi opened in Beijing's Museum of the Chinese Revolution to the

east of Tian An Men Square on May 21.

Covering a total floor space of 1,200 square metres, the exhibition consists of 600 photos, documents and other objects arranged in chronological order. They give a vivid picture of Liu Shaoqi's great life as a leader of the workers' movement and underground struggle in areas under reactionary rule, and bear testimony to his contributions to the building of the Party and anti-Japanese base areas and to the state as one of its leaders. The exhibition is in three parts—period of democratic revolution, socialist period, and the people cherish his memory.

In the first part, on exhibit are photos of his school days, historical materials showing Liu Shaoqi and Li Lisan leading the miners' strike in Anyuan in 1922, the minutes of a meeting of the Shanghai Confederation of Trade Unions at the time when Liu Shaoqi was leading the May 30th Movement in 1925, important documents showing Liu Shaoqi as one of the leaders of the anti-Japanese guerrilla warfare in north and central China, manuscripts of his books on Party building, and outlines of reports and speeches as well as a photo showing him writing *How To Be a Good Communist* in a cave-dwelling in Yanan. There is a separate case with materials showing how he led the underground struggles in the white areas.

In the second part, that is, the socialist period, there are numerous pictures, documents and objects depicting Liu Shaoqi's activities in the 17 years after the founding of New China as Vice-Chairman of the Party Central Committee,

Chairman of the Standing Committee of the National People's Congress and Chairman of the People's Republic of China. He often appeared amidst workers, peasants, youth, women and children. In a special case in a prominent place in the exhibition hall are documents, photos and other records showing Liu Shaoqi delivering a report at the Eighth National Congress of the Party in 1956. This underscores the historical significance of his call to shift the focus of the Party's work to economic construction.

In the third part of the exhibition are Liu Shaoqi's photos and writings kept by the people at great risks during the years when Lin Biao and the gang of four were in power, as well as numerous letters from workers, peasants, government functionaries, teachers, P.L.A. fighters, students and overseas Chinese urging the Party Central Committee to rehabilitate Liu Shaoqi.

ECONOMIC

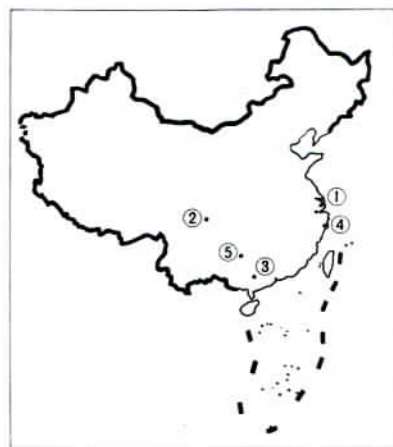
Technical Transformation Of Existing Enterprises

Shanghai¹ is now carrying out rational readjustment and technical transformation among existing enterprises according to different trades.

The Shanghai municipal bureaux of the textile industry and of metallurgy are now trying out throughout the whole trade the method of giving greater power of self-management to the enterprises. In the case of the textile bureau, all the profits are shared with the state, 90.5 per cent for the

state and 9.5 per cent for its own use.

In the case of the bureau of metallurgy, only the increased part of the profit is divided between it and the state. This is the way it's done: With the 1978 profit as the base (which was entirely handed over to the state), 60 per cent of the increased part of the profit every year are to go to the state and the remaining 40 per cent to the bureau and the enterprises under it. This was put into practice in 1979 and will remain unchanged for five years.



It is estimated that in the years 1979-83, the two bureaux will get around 500 million and 600 million yuan of profit respectively from this. The money will be used mainly for technical transformation in the whole trade. According to the bureau of textile industry, this practice will enable it to increase its total output value at a progressive rate of 8 per cent every year, and raise the industry's capacity to produce new-type, high-quality textiles and fashionable clothes.

The advantage of expanding the power of self-management throughout a whole trade rather

than in an individual enterprise is that it is conducive to overall planning and reallocating productive forces in a whole trade based on specialization and co-ordination. Moreover, it can avoid both the unchecked development of some enterprises not according to an overall plan and inequality in the sharing of profit among different mills.

Peasants Learning Technical Know-How

The system of payment for a fixed quota and extra pay for its overfulfilment is being practised in China's rural communes. At the same time, training courses are run to help the peasants learn and apply the technical know-how. All these are aimed at increasing production and the peasants' income.

In this regard, Wu Qingzheng, a peasant in Dayi County² (see map on p. 5) in southwest China's Sichuan Province, has set a good example. By learning the necessary scientific knowledge, he has achieved remarkable results in fish breeding.

The production team to which Wu belongs has a small fish pond of 0.11 hectare. Since it was put to use in 1972, the amount of fish it yielded annually had never exceeded 65 kilogrammes. Last year, the production team decided to put Wu Qingzheng and Gan Shuiquan in charge of the pond, and signed with them a contract which provided that they should hand in 300 kilogrammes of fish a year, for which they would get 3,500 work-points, and that any amount of fish exceeding this quota belonged to Wu and Gan themselves, but if they should fail to meet the quota, 20 work-points would be deducted for each undelivered kilogramme of fish. Other clauses in the contract included: Fry and fish food were to be

supplied by the team. The result: At the end of the year, they got 600 kilogrammes of fish from the pond, double the figure set in the contract, and ten times the output of 1978.

The 42-year-old Wu Qingzheng had had no experience in fish breeding. But he knew that the low output was due to bad management and lack of scientific knowledge. After signing the contract, he went to the county seat to attend a 15-day training course from which he acquired some basic knowledge on scientific fish breeding. Later, he solved the problem of lack of oxygen in the pond, and found ways to cure the silver carp of inflammation of the intestines. He often sterilized the pond and knew when was the best time to feed. In this way the fish in the pond grew up faster and in greater numbers.

Through adopting this method, that is, extra pay for overfulfilment of quotas, the peasants have become more enthusiastic in learning scientific and technical knowledge to develop a diversified economy. In Sichuan Province, special training courses in crop cultivation and business management have been set up. In some counties, 40,000-50,000 people have attended these courses in the last few months. The province has also drawn up a five-year plan for training agro-technicians starting this year.

Modernization March

New Highways. Over 2,500 kilometres of trunk-roads and 50,000 kilometres of roads in rural and mountainous areas in China have been added in the last two years. Except for Medog County in the Tibet Autonomous Region and Derong County in Sichuan Province, all the 2,000 and more counties

throughout the country are now linked by highways. This information was given by the Ministry of Communications.

By the end of last year, 890,000 kilometres of highways were open to traffic, more than 13 times the length in the early post-liberation years.

Biggest Manganese Mine. Mining experts have started making preparations for opening a mine in Daxin County³ in south China's Guangxi Zhuang Autonomous Region, where the largest deposit of manganese in the country is located.

"Foshan" Salvaged. Early in May a Chinese team successfully salvaged the *Foshan* from the sea near Xianggang (Hong-kong) after two months' effort. Plying between Xianggang and Aomen (Macao), the liner with a displacement of 2,600 tons sank after being hit by a typhoon on August 16, 1971.

The team was dispatched by the Guangzhou branch of the Chinese Shipwreck Rescue and Salvage Company at the request of two Xianggang companies.

Last year the company rescued 42 ships from danger, including 12 foreign vessels, and salvaged 45 sunken ships and 6,173 tons of goods. The company was set up in Beijing in 1974, and has three branches in Shanghai, Yantai and Guangzhou. It has more than 100 ships, including two 20,800-horsepower up-to-date rescue tugboats and a 2,500-ton floating crane.

Tidal Power Station. The No. 1 generating unit of the Jiangxia Experimental Tidal Power Station began operating recently. It is the first two-way tidal power station in China, that is, it operates when the tide is coming in or going out.

The station is in Wenling County⁴, Zhejiang Province,

where the bay has rich resources of coastal tidal energy, the biggest tidal difference there being 8.39 metres. The station is designed to have six generating units, each with a capacity of 500 kilowatts.

The experimental station will provide experience for exploiting coastal tidal energy. In the past, China had only four small tidal power stations which could operate only when the tide was on the ebb.

Rare Rice Strains. A rare strain of rice, whose grain weight is almost double that of other strains, has been discovered in Guizhou Province, southwest China.

Agronomists also found another rice strain with an unusually high protein content during a survey of crop resources in the province. They found a glutinous rice strain that has a pleasant fragrance and good taste in the mountainous areas and valleys of Congjiang County⁵, Guizhou Province.

SOCIAL

Children's Day Celebrated

"May our little friends throughout the country resolve to become people with ideals and a high moral standard, with knowledge and a good physique, and set their hearts on serving the people, the motherland and mankind." This was an inscription written by Deng Xiaoping, Vice-Chairman of the Central Committee of the Chinese Communist Party, on the eve of International Children's Day (June 1) specially for the weekly *Chinese Young Pioneers* and the journal *Instructor*.

On June 1, the Secretariat of the C. P. C. Central Committee gave a tea party in Huairan Hall to celebrate the occasion.

The hall is in Beijing's Zhongnanhai, a place which people long to see, because that was where Chairman Mao Zedong and Premier Zhou Enlai often held important meetings and watched theatrical performances.

Attending the tea party were Party and state leaders and more than 200 primary and middle school teachers, Young Pioneer instructors, kindergarten teachers, veteran educators, writers of children's stories and cadres in charge of the work of the Communist Youth League and the Young Pioneers.

Zhao Ziyang, Standing Committee Member of the Political Bureau of the C. P. C. Central Committee and Vice-Premier of the State Council, spoke at the tea party. He pointed out that the education of children is of vital importance to China and to the success of its socialist modernization programme. He urged the Party and Youth League organizations at all levels and the departments concerned to pay particular attention to the healthy upbringing of the children.

Hu Yaobang, Standing Committee Member of the Political Bureau and General Secretary of the Secretariat of the C. P. C. Central Committee, also made a speech. He praised the model educators for their contributions in training and bringing up the youngsters, and pointed out that they are shouldering two heavy tasks: One is to work for the modernization programme and the other is to train a new generation of people who will make bigger contributions

to the country when they grow up.

Gala get-togethers were held that day in the various districts and parks in the capital for the children to mark the occasion. More than 60,000 children, including 2,500 foreign kids, gathered at Jingshan Park in the downtown area to celebrate their own festival.

Party and state leaders Li Xiannian, Peng Zhen and others, accompanied by leading members of the Beijing municipality, joined the celebrations there. They encouraged the children to study hard and be prepared to work for the motherland's modernization.

Noted scientists, artists and writers spent the day with the children. They expressed the hope that the children will love and study science, and grow up to be useful persons to the country.

During the holiday, around 10,000 children visited the house in Zhongnanhai where the late Chairman Mao Zedong lived. They paid respects to the remains of the late Chairman in the memorial hall and visited the exhibitions on the life and deeds of Comrades Liu Shaoqi and Zhou Enlai.

On May 30, a national meeting was held to award prizes to 212 best novels, poems, prose writings, fairy tales, films, songs, paintings and other works of art by professionals or amateurs for the children. A message of greetings from Soong Ching Ling, Vice-Chairman of the Standing Committee of the National People's Congress, was read out at the meeting.

Joint Press Communique on Premier Hua's Visit to Japan

Following is the full text of the Joint Sino-Japanese Press Communique on the Visit to Japan by Premier Hua Guofeng released in Tokyo on May 29:

1. Premier Hua Guofeng of the State Council of the People's Republic of China is paying an official visit to Japan as a state guest from May 27 to June 1, 1980. Among Premier Hua's party are Vice-Premier Gu Mu and Foreign Minister Huang Hua. Premier Hua and his party will also visit Nagoya and the Kansai district in his tour of Japan.

2. Premier Hua was received by His Majesty the Emperor at the Imperial Palace on May 27.

3. Premier Hua held talks with Prime Minister Masayoshi Ohira on May 27 and 28 and they had a frank and constructive exchange of views on a wide range of issues of common concern to China and Japan in a most friendly atmosphere.

Among those present at the talks on the Chinese side were Vice-Premier Gu Mu and Foreign Minister Huang Hua, and on the Japanese side were Foreign Minister Saburo Okita and Chief Cabinet Secretary Masayoshi Ito.

The leaders of the two countries expressed satisfaction and deep appreciation of Prime Minister Ohira's China visit last December and Premier Hua's current Japan visit, regarding them as events of far-reaching significance in laying a new foundation for the relations of friendship and co-operation between China and Japan towards the 21st century.

4. The leaders of the two countries exchanged views frankly and in earnest on the international situation, especially the situation in the Asian-Pacific and Middle East regions since last December. They expressed deep con-

cern over the new conflicts and tensions in these regions which endanger world peace and stability. They agreed that problems arising in these regions should be settled as soon as possible in accordance with the United Nations Charter and the relevant resolutions adopted by the United Nations. They affirmed that China and Japan, each proceeding from their own positions, would continue to work for the maintenance of peace and stability in these regions and in the world at large.

5. The leaders of the two countries exchanged views comprehensively on bilateral relations, and they once again noted with satisfaction the fact that the bonds of peace and friendship between the two countries have undergone smooth development and consolidation through the conclusion of the China-Japan Treaty of Peace and Friendship, the visits paid by the leaders of the two countries to each other following the normalization of relations in autumn, 1972. They affirmed that China and Japan, their difference in social system notwithstanding, should constantly deepen their mutual understanding and mutual trust through a further increase in contact so as to develop and deepen their enduring and unshakable ties of peace, friendship and co-operation.

6. Premier Hua explained to Prime Minister Ohira the policy and progress of socialist modernization now under way in China and once again expressed the hope to strengthen economic co-operation with Japan and other countries on the basis of self-reliance and in accordance with the principles of equality and mutual benefit and mutual help and meeting each other's needs, with a view to promoting China's economic construction.

Prime Minister Ohira expressed welcome to China's policy as stated above and affirmed that Japan would adhere to her policy hitherto in

force and carry on active economic co-operation with China.

7. The leaders of the two countries noted with satisfaction the restoration to the Chinese Government of its membership of the International Monetary Fund and the International Bank for Reconstruction and Development, which, they both believed, would have a salutary influence on China and the development of the world economic order.

8. The leaders of the two countries affirmed the importance of continued expansion of trade and other economic exchanges between the two countries based on the principles of equality and mutual benefit; at the same time, both believed that, particularly in view of the critical situation in natural resources, energy resources included, it was desirable for the two countries to establish long-term and stable ties of co-operation in this domain, including the joint exploitation of petroleum and coal, in accordance with the agreements reached by the parties concerned of the two countries. They acclaimed the fact that the Chinese and Japanese parties concerned would soon conclude a contract on the prospecting and exploitation of oil in the Bohai Sea and that similar projects of co-operation are being undertaken in other parts of China.

9. The leaders of the two countries exchanged views on the present state of economic co-operation between China and Japan and expressed satisfaction over the exchange of notes in April 1980, on the instalment of a Japanese yen loan for fiscal 1979. They affirmed that the fiscal-1980 instalment of the loan would be decided through detailed negotiations at a meeting to be held between the government departments concerned of the two countries in autumn this year.

10. Regarding the project of building a modern hospital in Beijing, Prime Minister Ohira made it clear that the Japanese Government would co-operate in the form of gratis aid, and it was prepared to begin the project's designing in 1980, and was ready to co-operate technically in the training of the hospital's personnel.

Premier Hua expressed his deep gratitude for this positively co-operative attitude on the part of Japan.

11. The leaders of the two countries expressed satisfaction with the conclusion of the Sino-Japanese scientific and technological co-operation agreement during Premier Hua's visit in Japan. They expressed their readiness to further promote scientific and technological co-operation within the framework of the agreement. They also agreed to start as soon as possible the negotiations for a treaty on the preservation of migratory birds.

12. The leaders of the two countries noted with satisfaction the fact that Sino-Japanese cultural exchanges, which have a 2,000-year-old history and tradition, have been going on more extensively and smoothly, with the conclusion of the China-Japan cultural exchange agreement last December as a new starting point. Above all, they deeply appreciated the smooth progress in the exchange of students between the two countries and the implementation, beginning in the coming summer, of the programme to advance the teaching of the Japanese language in China. It was decided that consultations between the two Governments, as provided for in the China-Japan cultural exchange agreement, would take place in July 1980.

13. The leaders of the two countries expressed deep appreciation of the extensive and smooth exchange of personnel between the two countries, and both believed that it is desirable for both sides to be better prepared for receiving visitors. In this regard, Prime Minister Ohira said that Japan was considering the construction of a multi-purpose building in Tokyo to promote Sino-Japanese exchanges. The leaders of the two countries affirmed that it was of special importance to explore ways of increasing the contact between the youth of the two countries.

14. The leaders of the two countries agreed that it was desirable for the two Governments to meet, when necessary, alternately in the capitals of the two countries at the level of member of the Chinese State Council and member of the Japanese Cabinet, in order to facilitate wide-ranging consultations centred on bilateral matters. They decided to hold the first meeting in Beijing this autumn.

15. The Chinese side expressed heartfelt thanks to the Japanese side for the warm welcome and hospitality it accorded to Premier Hua and his party during the visit. □

Premier Hua Guofeng's Speech

IN a speech at the meeting arranged by six Japan-China friendship organizations to welcome him on May 29, Premier Hua Guofeng said that "as long as the peoples of China, Japan and other Asian-Pacific countries, each proceeding from its own stand, join hands, strengthen co-operation and co-ordinate their efforts, they will become a tremendous force defending peace and stability in Asia and the world."

On Sino-Japanese Friendship and Co-operation.

Premier Hua said: "At no time in past history did our bilateral relations develop at such a speed and on such a scale as they have done in recent years. Our friendly relations and co-operation are developing in depth and breadth."

He pointed out that "since the normalization of state relations, and particularly since the conclusion of the Treaty of Peace and Friendship, our bilateral relations have developed smoothly. Special agreements on trade, aviation, shipping, fishery and cultural and scientific and technological co-operation have been signed between our two governments. In 1979 the volume of our trade grew to more than 6,000 million U.S. dollars, which was six times that of 1972. Exchanges of visits have kept increasing, with the number reaching nearly 100,000 people last year. There have been more friendly contacts between the political, business, media, cultural and religious circles as well as the trade unions and peasants, women and youths of the two countries. Relations between our local governments are growing ever closer as special ties of friendship have been established between 14 Chinese cities and their counterparts in Japan. There have been even more substantial exchanges in the scientific, technological, cultural and sports fields."

On Modernization. Speaking of the realization of China's four modernizations, Premier Hua said that the four modernizations are the central task for China at present and for a long

period to come, a task of prime importance that has a direct bearing on the future of the state and nation.

The successes achieved by the Chinese people since the founding of New China, he said, are absolutely without parallel in old China. "However," he noted, "in comparison with the developed countries, our level of economic and technological development is still low. Particularly, this gap has been widened because of our domestic turbulence in the last ten years or more. We Chinese people keenly realize that we must concentrate our efforts on economic development so as to gradually lift ourselves from poverty and backwardness."

Premier Hua pointed out that "a political situation of stability and unity has been achieved throughout China, and it is a reliable guarantee for concentrated endeavour on economic development." China is adopting measures to ensure long-term stability of the collective leadership and continuity of its political line, policies and principles, he noted.

Starting from 1979, he went on, China has been readjusting, restructuring, consolidating and improving its national economy so as to put China's economy on a course of planned, proportionate and high-speed development.

"The readjustment of the ratios between the sectors of our economy is already producing effect. Reforms in the economic structure have yielded initial success.

"In the course of our modernization, we will continue to adhere to the policy of mainly relying on our own efforts while seeking foreign aid by way of support. We will study foreign advanced science and technology and management experience and carry on extensive economic co-operation with Japan and all other friendly countries on the basis of equality and mutual benefit," he noted.

China is doing well in all fields and things will get better and better, Premier Hua said, adding that China is drawing up a long-range plan for 1981-90.

"This is a gigantic task for us. This fact impels us to exert ourselves. We are confident that so long as we persevere in the right direction and adopt proper measures, we will build up a thriving economy and gradually turn China into a modernized socialist country," he declared.



On China's Foreign Policy. Premier Hua said that the starting point of China's foreign policy fully embodies the basic principles of socialism. The primary task at present is to oppose hegemonism and safeguard world peace. China fervently desires a peaceful international environment in which to carry on its modernization programme, he said.

"Now more and more countries and people are aware of the menace of war and have acted to strengthen their national defence. This is fully understandable."

"China will never seek hegemony, neither today nor in the future when we have become a powerful country," he declared. "We hold that hegemonism, aggression and attempts to control, interfere in and bully other countries are incompatible with the principles of socialism and unworthy of a socialist country." "China is a third world country too. We will always remain a member of the third world and will never act like a superpower."

On China's Development of Strategic Weapons. Premier Hua pointed out that the Chinese people are doing what they can to build up and improve defence capability in order to safeguard their independence and security. He said: "We are developing a small amount of strategic arms in order to break the nuclear monopoly of the superpowers and cope with the hegemonist superpower nuclear blackmail."

He reiterated: "At no time and in no circumstances will China be the first to use nuclear weapons. And China has always stood for the complete prohibition and total destruction of nuclear weapons. It holds that pending this all nuclear powers should unconditionally undertake not to use or threaten to use nuclear

weapons against non-nuclear countries and nuclear-free zones." □

Premier Hua Gives Press Conference in Tokyo

OUR visit to Japan has served to make the bridge of Sino-Japanese friendship still firmer, Premier Hua Guofeng said on May 29 at his press conference at the Japan National Press Centre in Tokyo.

"We saw many old friends and made many new friends. We note with admiration the vigorous and enterprising realistic approach of the industrious, courageous and intelligent Japanese people," said Hua. "Despite the difference in social systems between China and Japan, the Chinese people who are working for modernization can do well to learn from and study the Japanese people's achievements in industry, agriculture, science, technology, culture and other areas."

On Learning From Other Countries

Answering a reporter's question, Premier Hua said that while relying on its own efforts, China will learn from the good experience of other countries, including experience in the fields of science, technology and management.

The Premier stressed that China's modernization programme will be carried out on the existing foundation.

Answering a question on China's economic co-operation with Japan and other countries, Premier Hua said: "Japan is advanced and technologically developed and is separated from China by a mere strip of water. This



provides particularly favourable conditions for economic co-operation between the two countries." He pointed out that there are vast vistas for co-operation between the two countries on the basis of equality, mutual benefit and supplying each other's needs.

Asked if the difference in social systems would set limitations to China's economic co-operation with other countries, the Premier said that he holds there are practically no limitations. If there are any, he noted, they are China's limited capacity to absorb, and the requirement to act according to Chinese law. "Of course, Chinese law takes into consideration the interests of the co-operators."

On Japan's National Defence

Asked about Japanese national defence, Premier Hua said: "An independent and sovereign state should have the right to maintain its own defence so as to safeguard its independence and sovereignty. As to what Japan will do, we do not interfere in its internal affairs."

On Japanese Relations With the United States and Europe

Asked if the question of strengthening Japan-U.S.-China relations was stressed in the talks between the two heads of government, Hua said: "My talks with Prime Minister Ohira laid stress on the strengthening of friendship and co-operation between China and Japan. We made a high evaluation of Sino-Japanese relations which have developed very satisfactorily. We appreciate Japan's efforts to strengthen its alliance with the United States and actively develop its relations with Europe."

On South Korea

Speaking of the situation in south Korea, Premier Hua said: "It is our view that the division of a country into two halves cannot last long and that they will inevitably be reunified in the long run." He said that China supports the position of the Democratic People's Republic of Korea for an independent and peaceful reunification of the country and approves a dialogue between north and south Korea. China has advised the United States, he added, that it should pull out its forces from south Korea.

Premier Hua refuted as groundless the allegation of the south Korean authorities that north Korea intends to make a "southward advance." "So long as the south Korean authorities do not launch a war to divert the people's attention, there will be no such thing as a 'southward advance,'" Premier Hua said.

The Premier denounced the south Korean authorities for imposing martial law, arresting large numbers of democrats and carrying out armed suppression of the students and other people demanding democracy.

On Function of the Chinese State Council

Premier Hua also dealt with the work of the Chinese State Council. He said that since there are more than ten Vice-Premiers and each of them is in charge of a specific field of work, one of them has to be put in charge of the day-to-day work of the State Council and to keep in constant contact with the other Vice-Premiers. Now, Zhao Ziyang has been made the Vice-Premier in charge of the day-to-day work. □

Geneva Meeting

A Trial in Absence

THE international meeting on humanitarian assistance and relief to the Kampuchean people attended by 50 nations was held on May 26 and 27 in Geneva. The Soviet Union and Viet Nam, two countries directly involved in the matters discussed, were conspicuously absent. Many participants felt that this was regrettable and some were even indignant.

Moscow and Hanoi Absent Themselves. People still remember clearly the strong condemnation of the Soviet Union and Viet Nam at the international meeting on Indo-Chinese refugees held last July in Geneva. Their refusal to turn up at the recent meeting is clearly an attempt to avoid being tried for bringing war and calamities upon the Kampuchean people.

Before the meeting, Moscow charged that the meeting was aimed at "openly interfering" in Kampuchean affairs and was not being convened for "humanitarian reasons." According to this logic, countries agreeing at the meeting to donate some 116 million U.S. dollars to assist Kampuchean refugees were "openly interfering" in Kampuchean affairs, while Moscow was acting for "humanitarian reasons" in supporting Hanoi's invasion of Kampuchea and thus causing famine and the exodus of refugees. The Vietnamese authorities have declared repeatedly that the present status quo of Kampuchea cannot be changed. Their aim, as Foreign Minister Rajaratnam of Singapore said at the meeting, was to

attain their overriding goal of getting recognition for the Heng Samrin regime and consequently legitimizing the Vietnamese occupation of Kampuchea — the real cause of the refugee problem.

Unanimous Call. There are now some 300,000 Kampuchean refugees in Thailand and 600,000 to 700,000 starving people along the Kampuchea-Thailand borders waiting for relief. This does not include the masses of people in dire need inside Kampuchea.

Many representatives pointed out at the meeting that the root cause of the starvation and deaths of the Kampuchean people lies in Viet Nam's invasion and occupation of Kampuchea. If the root cause is not eradicated, they said, it is impossible to bring the tragedy to an end.

The five ASEAN countries that initiated the meeting unanimously held that the withdrawal of foreign troops



A Kampuchean refugee in Thailand.

from Kampuchea is the precondition for a solution to the Kampuchean problem. Representatives of Pakistan, Nepal, Japan, Britain, France, Italy and other countries also demanded a pullout of all foreign troops from Kampuchea.

Many representatives expressed concern over the large amount of relief materials being seized by Vietnamese occupation troops. Australian Foreign Minister Peacock, who was president of the meeting, pointed out that "there is a grave and urgent need to increase that assistance and to improve the practical measures to ensure that food and medical supplies reach those in need." Other representatives concurred and put forward suggestions. Siddhi Savetsila, Foreign Minister of Thailand, made a 7-point proposal of assistance to the Kampuchean people.

Chinese Stand. Vice-Foreign Minister He Ying, head of the Chinese delegation, made clear China's stand in his speech. The Chinese Government, he said, supports international efforts to provide humanitarian relief to the Kampuchean people. However, relief materials destined for the Kampuchean people must never be diverted again for the maintenance of foreign aggressors, their puppets and their troops. To press for the total withdrawal of invader troops from Kampuchea and an end to the military occupation of that country is the real, basic way to solve the problems of refugees and famine victims in Kampuchea.

China has already accepted more than 260,000 Indochinese refugees, and the Chinese Government has contributed

580 million U.S. dollars for their relief and resettlement. Today, He Ying declared, the Chinese Government pledges before this meeting 500,000 U.S. dollars in cash and an additional sum of RMB 1 million yuan to pay for relief supplies for the Kampuchean refugees in Thailand.

* * *

The invasion of Kampuchea and Afghanistan is designed to serve the needs of the Soviet southward drive into the Pacific and Indian Oceans and constitutes an important component of

Moscow's global strategy. The flow of refugees cannot be stemmed without stopping Moscow and Hanoi's wars of aggression. To solve the refugee and famine victim problems at their roots, it is imperative to put an end to aggression, expansion, and oppression of the people by big and small hegemonists.

Though the Soviet Union and Viet Nam stayed away from the meeting, they cannot escape condemnation by the world community and history.

— "Beijing Review" news analyst An Ding

The Implications of Blacks' Action in Miami

Report From Washington

WHEN Mount St. Helens in Washington State blew its top emitting hot mud, ash and gases, a man-made volcano erupted in Miami, Florida, on the southeast coast of the United States. Thousands of indignant black Americans took to the streets and besieged the courthouse. Throwing stones and setting fire to cars, they fought courageously against National Guardsmen. This is one of the largest struggles by blacks against racial discrimination in the past decade. Angry blacks turned "liberty city," the black ghetto with a 20-mile circumference, into a battlefield. Miami, with a population of 350,000, was so lit by fire that night was as clear as broad daylight. Three frightful days and nights left 16 people dead, 350 injured and some 700 arrested. An estimated 100 million dollars of damage were incurred. President Carter ordered the Attorney-General to head a group to Miami and announced that the U.S. Government would

provide the same disaster relief for Miami as for Washington State. The President said he was going there to see for himself.

Immediate Cause. The violence was caused by the May 17 acquittal by an all-white jury in Florida of the four white policemen charged with the killing of a black, Arthur McDuffie. The dead black motor cyclist had been beaten to death by the four policemen while being held for traffic law infringement on December 17. The police falsified records to make out that McDuffie's death was due to a traffic accident. The prosecution sued the policemen. But after thirty-nine days of trial, they were acquitted. This obviously biased verdict, as soon as it was reported over TV, touched off an upsurge of protest by black Americans in Miami, which shocked the whole country.

Root Cause. The black Americans stood up to protest because they had had enough of racial

discrimination and oppression. This latest bending of the law against blacks came at the end of a long list of many similar actions over the past year.

Earlier a black teacher's house was raided by white policemen and the man was beaten up mistakenly for a drug smuggler. The police had gone to the wrong address. The teacher has filed a suit in court but nothing has come of it. Another white policeman had shot to death an innocent black youth but the court acquitted the killer, alleging that the shot was "inadvertently fired." A white highway patrolman raped an eleven-year-old black girl and one judge held that he should not be placed on probation but should be sent to a reformatory. However, another judge put the offender on probation. A well-known black educationist, superintendent of education in Miami, was convicted for what was called an economic crime. All these have infuriated the black Americans. Months ago, some people were already predicting that the McDuffie case could become a "time bomb" in the struggle against racial discrimination. The prediction has turned out to be true.

It is widely believed that the root cause of the disturbances lies even deeper. The recent economic recession and rising inflation have hit the poor blacks at the bottom of the ladder harder than the whites, and the blacks in Miami are the most miserable. Latest figures show that the unemployment rate for white workers (including Cuban immigrants) is 8 per cent, compared a high 17 per cent for the blacks. In the whole state of Florida about 10 per cent of the non-Spanish-speak-



Afro-Americans protesting before the Miami court house.

ing whites are living under the poverty-line, but for Spanish-speaking whites (including Cubans) it is 18 per cent. For black Americans it is 38 per cent. After President Carter's decision to "welcome the refugees," Cubans poured into the country. Bearing the brunt of the harms are the black Americans, who have found jobs even harder to get.

The struggle of the blacks in Miami has had an impact on the

whole country. Articles and editorials have appeared in nearly all U.S. leading newspapers. Some editorials stressed that the violence in Miami was not something isolated. One article pointed out that there is a Miami in every city in the United States. As another paper said, the country has been warned that violence can break out again.

— "Renmin Ribao" Correspondent Zhang Yen

Peace and Stability in Middle East: A Common Aspiration

SAUDI Arabian Crown Prince Fahd's statement in his recent interview with the *Washington Post* has caught wide attention. He said that if Israel withdraws from all the Arab territories it occupied in 1967, Saudi Arabia would do its utmost to bring the Arabs, including the Palestinians, to work with Israel for a comprehensive

and ultimate settlement of the Middle East problem.

After a re-evaluation of the situation, the Prince acknowledged that President Anwar Sadat had done what he could since his peace initiative. Fahd advanced realistic and sound propositions, urging Israel to accept his demands while giving it assurances. This shows the

Arab people's sincere desire for a peaceful solution to the Middle East issue.

This stance taken by Saudi Arabia, an oil giant in the Arab world, will have a far-reaching impact on developments in the Middle East.

A solution to the Arab-Israeli dispute and peace and stability in the Middle East are not only in the interest of the Arab countries but are conducive to world peace. As a matter of fact, of all countries, perhaps the Soviet Union alone is not happy to see peace and security prevailing in the Middle East. It rejoices over trouble and upheavals there, which it attempts to exploit for its southward thrust to warm water ports and Gulf oil.

More and more people in and outside the Arab world feel the importance of having a peaceful and stable Middle East and have been working towards this goal.

To counter the Soviet threat and assure themselves of oil supplies, Western Europe has kept contacts with Arab countries to bring about a comprehensive settlement of the Middle East problem. It has called for an Israeli withdrawal from the occupied Arab lands and the recognition of the Palestinian people's right to return to their homeland.

The Arab world is now divided, but not over matters of principle — support for the Palestinian cause and recovery of the territories now under Israeli occupation. Thirty years of strife and war have driven home the fact that all parties suffer from war.

Since the deadlock of negotiations on Palestinian autonomy between Egypt, Israel and the United States, a number of Arab countries have been feeling for ways to achieve a peaceful solution.

The Arab people are reasonable and sensible. Saudi Arabian second Deputy Premier and Commander of the National Guard, Prince Abdullah Ibn Abdul Aziz, said recently that if a Palestinian state is founded, the Arab nations would guarantee peaceful coexistence with Israel. Yasser Arafat, Chairman of the Palestine Lib-

eration Organization, said more than once that he neither wants to kill nor to destroy. What he asks for is that "our people may live in peace and in a peaceful country."

Khalid Hassan, another P.L.O. leader, said not long ago that "coexistence of an independent Palestinian state side by side with Israel is possible."

As Crown Prince Fahd said in his interview: "Now it is up to the Israelis to show they are serious about peace."

— *Commentary by Xinhua Correspondent*

Moscow

Violating the Olympic Spirit

ENTRIES for the 22nd Olympic Games officially closed on May 24. According to incomplete figures, two-fifths of the more than 140 member countries of the International Olympic Committee will not take part in the games in Moscow.

This is the result of the recent Soviet aggression which is diametrically opposed to the Olym-

pic spirit. The ideal of the Olympic movement is "to educate young people through sport in a spirit of understanding each other and of friendship, thereby helping to build a better and more peaceful world."

The Soviet armed invasion of Afghanistan, which violates all the norms of international law, also runs counter to the Olympic spirit. This has aroused strong

opposition around the world and set off a move by many countries to boycott the Moscow Olympic Games.

In defence of world peace and the Olympic spirit, many countries have demanded unconditional Soviet troop withdrawal from Afghanistan so as to create conditions for the holding of the Olympic Games. However, the Kremlin has ignored the demand, which fuelled the opposition to the games in Moscow and the worldwide condemnation of the Soviet aggression against Afghanistan.

Over the past few months, the Soviet authorities have not only refused to withdraw, but ordered their troops in Afghanistan to suppress Afghan patriots in an attempt to perpetuate their occupation. They have also resorted to various intrigues to try and arrest the wave of boycotts of the Moscow Olympic Games. The Soviet Union tries to intimidate the countries and Olympic committees which have declared against the Moscow Olympics. Moscow hinted that they would be "expelled from the International Olympic Committee" and even threatened to stop trading with them. Offering to provide all expenses and economic and military aid as a bait, Soviet top-echelon men went on errands to cajole and lure countries into participating. But Moscow cannot hope to block the surging tide of protest.

The games now face a poor prospect as never before. Some 60 countries and regions are against Moscow staging the Games. U.S. Secretary of State Edmund Muskie put it in a nutshell when he said that this summer there will be only an athletic event in Moscow, not an Olympics.



West Germans demonstrate against the Moscow Olympic Games.

China's Criminal Law and Law of Criminal Procedure

The criminal law and the law of criminal procedure promulgated in China last July were scheduled to go into effect this year. What are the characteristics of these two laws? What are their main stipulations? This special feature tries to give brief answers to these questions.

Brief Introduction to the Criminal Law

by Chen Zhucheng

THE Criminal Law of the People's Republic of China is divided into two parts consisting of 192 articles in all. Part 1, comprising 89 articles, contains the general provisions which stipulate the principles of our criminal law.

Part 2 dealing with the specific provisions has 103 articles divided into eight chapters: 1. Counter-revolutionary offences; 2. Offences against public security; 3. Offences against socialist economic order; 4. Offences against the right of person and the democratic rights of citizens; 5. Offences of encroachment on property; 6. Offences against the public order; 7. Offences against marriage and the family; 8. Malfeasance. The specific provisions define more than 100 offences, the punishment to be imposed and the limits of discretion allowed in the sentence.

What are the characteristics of China's criminal law? In my opinion, they fall under the following six points:

The author is a jurisprudence researcher of the Chinese Academy of Social Sciences.



1. The criminal law gives expressions to the dictatorship over a tiny handful by the overwhelming majority of people.

China is a socialist state under the dictatorship of the proletariat. What is the dictatorship of the proletariat? Comrade Mao Zedong gave a succinct answer: "To practise democracy among the people and to exercise dictatorship over the enemies of the people — these two aspects are not to be separated. When they are combined, we have proletarian dictatorship, or what may be called people's democratic dictatorship." (*Talk at an Enlarged Working Conference Convened*

by the Central Committee of the Communist Party of China, 1962.) The spearhead of the criminal law is directed first at counter-revolutionaries and other offenders who gravely jeopardize public order, together making up only a tiny handful of persons. According to stipulations, fairly heavy punishment will generally be meted out in cases of counter-revolutionary offences (see "Some Questions," page 18) and other offences such as homicide, arson, poisoning, robbery and rape, all of which gravely jeopardize public order. The death sentence can be imposed on those guilty of the most heinous crimes.

2. Protect the socialist economic base.

As one of its important tasks, the criminal law protects the socialist economic base. Article 2 stipulates: "Protect the socialist property owned by the whole people, the socialist property owned by the collective of the working people." In Chapter 5 of the specific provisions, it is stipulated: Criminals who encroach on public property shall be punished according to law. Life imprisonment or the death sentence may be imposed on those whose cases are particularly grave.

The criminal law also protects the legitimate private property of citizens. This includes their lawful income, savings, houses and other means of livelihood, as well as means of production such as small plots of land and small numbers of livestock

for personal needs and trees, lawfully owned or used by individuals or families. The chapter on offences of encroachment on property stipulates: Those who on investigation are found guilty of robbing, stealing, acquiring by fraud or seizing property legally owned by individuals shall be subject to criminal prosecution.

3. The principle of meting out punishment commensurate with the offence.

Article 57 stipulates: In sentencing offenders, the penalties imposed shall be based on due consideration for the facts, nature and degree of each offence and its damage to society. The law calls for heavy punishment for grave offences and light penalties for minor infractions. Besides different penalty stipulations for offenders according to the degree of their damage to society, specific stipulations are also laid down concerning the status and role of each of the offenders acting in concert, of those who commit offences intentionally, those who commit offences through negligence and those who commit offences under varying conditions.

4. Protect the right of person and the democratic rights of citizens.

China's laws resolutely protect the right of person and the democratic rights of citizens which no person or institution is allowed to illegally encroach upon. Penalties shall be meted out to those who commit serious offences against the right of person of citizens, such as homicide, injury to others, rape of a female or sexual assault of a young female, as well as offences which encroach upon the citizens' democratic rights such as sabotaging elections, bringing false charges against another, retaliating or trumping up

charges against others, and giving false testimony. In view of what happened during the years when Lin Biao and the gang of four were on the rampage, the criminal law stipulates that extortion of confessions by torture, assembling crowds for beating, smashing and looting, persecution of cadres or other people on false charges by any means whatsoever and the unlawful incarceration of any person, are all strictly prohibited.

5. Revolutionary humanitarianism.

The aim of imposing penalties in China is not purely to inflict punishment. Except for those who have committed the most heinous crimes and are sentenced to death, offenders, during their terms of imprisonment, will be dealt with according to a policy of combining punishment and public surveillance with ideological remoulding, and combining productive labour with political education so as to win over the majority of them and remould them into new people. Article 41 stipulates: "Offenders sentenced to fixed-term imprisonment or life imprisonment shall be held in prisons or other places for reform through labour if physical-

ly fit." It also stipulates that physical punishment and maltreatment of offenders are strictly prohibited and corporal punishment should be abolished.

6. Oppose imputing a crime solely to subjective factors or to the objective situation.

"The subjective standard for assessing an offence" means taking into account only the role of the offender's subjective condition without regard to the harm he created; "the objective standard for assessing an offence" means taking into account only the harmful consequences of the offender's act without regard to the subjective factors involved. The criminal law opposes both extremes. For instance, in judging counter-revolutionary offences, one must establish the presence of a counter-revolutionary aim on the part of the offender as well as the act of jeopardizing the People's Republic of China. Neither factor can be dispensed with. Article 13 stipulates: An act, though objectively resulting in harm, is not deemed an offence if the harm did not result from intent or negligence but from force majeure or something unforeseeable.

Questions and Answers

Since the report "New China's First Criminal Law" was published in our issue No. 33, 1979, we have received many letters of inquiry from readers. We consulted Cao Zidan, associate professor of the criminal law teaching and research section of the Beijing Institute of Political Science and Law. Here are his answers. — Ed.

Question: In drawing up its criminal law, did China follow

the example of any other country?

Answer: We cannot say that our criminal law was patterned on that of any other country. In the process of enacting the criminal law, China did make extensive studies of the criminal laws of many countries and draw on their experience. But as Article 1 of the criminal law points out, China's criminal law was enacted with Marxism-Leninism-Mao Zedong Thought as



its guide, and with the Constitution as its basis. It was enacted in accordance with the policy of combining punishment with leniency, in the light of the concrete experience and the actual circumstances of our country.

For instance, China's criminal law takes the defence of the dictatorship of the proletariat and the protection of socialist public property as its important tasks. It is fundamentally different from the criminal law of a capitalist country which takes safeguarding private property (first and foremost, the property the bourgeoisie uses as a means of exploitation and profiteering) as sacred and inviolable. The stipulations on "public surveillance," and "a death sentence with reprieve" in China's criminal law are absent in the criminal laws of other countries.

Q: What is the meaning of the policy of combining punishment with leniency?

A: Its basic spirit is to deal with offenders in different ways according to their different cases, punish the few and reform the majority.

What I mean by punishment here is to sentence offenders not to capital or heavy punishment in all cases, but to punishment which they deserve. Leniency here does not mean that criminal offenders may all be exempted from penalty, but

that they may be sentenced to lighter, mitigated or remitted punishment, instead of the punishment they deserve.

In line with this policy, embodied in the articles of the general and specific provisions laid down in the criminal law is the spirit of meting out heavy punishment to the principal offender, the instigator, recidivist or habitual offender, intentional offender, accomplished offender, and to the offender whose case is flagrant and has resulted in serious consequences; at the same time, leniency is extended to the accomplice, the person drawn into the commission of an offence through coercion or deceitful enticement, the casual or first offender, to one who commits an offence through negligence, one who attempts to commit an offence but fails, and to the person whose offence is lighter and has not resulted in serious consequences. It is also stipulated in the general and specific provisions of the criminal law that offenders who voluntarily surrender themselves may be sentenced to lighter, mitigated or remitted punishment. Offenders may be granted reduction of penalty or parole if they have shown sufficient repentance or rendered meritorious service while serving their sentence (for instance, an offender who reports to the authorities against other offenders or who has made important contributions during labour).

Q: What acts are counted as offences in China?

A: Article 10 stipulates: An offence is any act which endangers state sovereignty or territorial integrity; jeopardizes the dictatorship of the proletariat; sabotages the socialist revolution or socialist construction; disrupts public order; encroaches upon property owned

by the whole people or that owned collectively by the working people, encroaches upon the legitimate private property of a citizen or on a citizen's right of person, democratic rights or other rights; or any other act which endangers society and is punishable by law; but no act which is markedly trivial and results in insignificant harm shall be deemed an offence.

It can be seen from this stipulation that an offence must have the following three basic characteristics:

First, it must be an act that endangers society, and this is its most essential characteristic. A person with reactionary thinking whose behaviour and actions do not endanger society cannot be considered to have committed an offence. China does not recognize "ideological offences." There is no stipulation in the criminal law for punishment of an "ideological offender."

Second, it must be an act that violates the criminal law. Not all acts that endanger society are acts violating the criminal law; many acts which endanger society violate civil law or administrative regulations. Only when an act endangers society to such an extent that it violates the criminal law does it constitute an offence. For instance, an ordinary case of interference with another person's freedom of marriage is one of violating the marriage law; only when interference with another person's freedom of marriage involves the use of force or violence does it constitute an offence.

Third, it must be an act that is punishable by law. In other words, an offence is an act that endangers society to such an extent that it is punishable by law. In addition, even if an

act results in endangering society but is not committed intentionally or through negligence, it shall not constitute an offence.

Q: What is to be done about an offence if no provisions about it are stipulated in the criminal law?

A: Under ordinary circumstances, only an act that is specified in clear terms by law as an offence is punishable. However, owing to the fact that in China, a country with a vast expanse of territory, the situation varies in different localities, and that China is in a new period of development and the situation keeps changing, it is therefore very likely that an offence may occur about

which there are no explicit stipulations in the law.

The general provisions of the criminal law stipulate: "Offences not explicitly stipulated in the specific provisions of the present law shall be classified and punished by analogy pursuant to the most highly applicable articles in the specific provisions, but the matter shall be submitted to the Supreme People's Court for examination and approval." This stipulation shows that there must be strict procedural control in order to prevent misuse of analogy.

Q: How are penalties classified in China?

A: Penalties are classified mainly as principal and supplementary. A principal penalty is the main method of punishment

for an offence. A principal penalty is for a particular offence and it must not be applied simultaneously with other principal penalties. A supplementary penalty is supplementary to the principal penalty, but it can be applied exclusively.

Principal penalties consist of public surveillance; detention; fixed-term imprisonment; life imprisonment and death. Supplementary penalties consist of fines, deprivation of political rights and confiscation of property. In addition, there is a penalty which applies only to a foreigner (or a stateless person), that is deportation. It can be applied either after the exercise of principal penalties or exclusively.

Punishment Combined With Leniency

PEOPLE'S courts at all levels in Beijing have since January 1, 1980 handled criminal cases strictly in accordance with the stipulations of the criminal law, the law of criminal procedure and other laws. Li Hongxiu, vice-president of the higher municipal people's court, said: "In trying cases, we have conscientiously implemented a policy of combining punishment with leniency."

Vice-president Li cited the following examples:

A Case of Murder. In Beijing on the evening of February 17, 1980, a murder was committed by hooligans. Four of them began disrupting public order on the No. 21 bus. Conductor Cao Zhenxian tried to dissuade them, but they hurled insults at him and then, at a midway stop, got off the bus and launched a converged attack on him. When Cao counterattacked in self-defence, Zhang Chunyue, one of the hooligans drew a dagger and stabbed him to death.

As soon as they had committed the crime, the four fled. One of them, offender Zhou Zidong, returned home looking



Li Hongxiu.

very distraught. By questioning him closely, his father, an old worker, talked him into confessing. The following day, he surrendered himself to the public security organ and reported his actions and those of his co-partners to the authorities. Thus the case was cracked in no time.

The public security office, the people's procuratorate and the people's court investigated, prosecuted and tried the accused in accordance with the stipulations of the law of criminal procedure. On March 24, the municipal intermediate people's court in an open trial announced the sentences im-

posed on the four offenders.

Zhang Chunyue who had committed the most heinous crime of murder was sentenced to death and permanently deprived of political rights in accordance with the stipulations of Articles 132 and 160 of the criminal law.

The accused Jiang Weibing and He Guosheng were accessory to the murder. After committing the offence, they struck a pact with the other offender to conceal their crime and resist the law. They were sentenced to 15 years' imprisonment in accordance with the stipulations laid down in Articles 132 and 160 of the criminal law.

Zhou Zidong committed the same offence as Jiang and He, but because he gave himself up after the crime, he was sentenced to a lighter penalty of three-years' imprisonment with a three-year reprieve in accordance with the stipulations of Articles 132, 160 and 63 of the criminal law.

A Meeting for Rewarding and Punishing Prisoners. A meeting with the participation of the inmates was held recently at the Beijing Prison which holds about 2,000 criminals in custody. Representatives of the higher and intermediate

Q: How are the penalties of public surveillance and detention exercised?

A: Public surveillance means that no imprisonment is imposed on the offender, but he is subject to certain restriction in his freedom of action. It is a penalty applied to an offender who is to be reformed under the surveillance of the masses, guided by a public security organ, in the working and residential place to which the offender belongs. Public surveillance is imposed by a people's court and exercised by a public security organ. Terms of public surveillance are from three months to two years. An offender sentenced to public surveillance must abide by the law, submit to surveillance by

the masses, participate diligently in collective productive labour or other work, and regularly report his activities to the public security organ. He must apply for permission to change his residence or leave the locality. An offender under public surveillance shall receive the same pay as others doing the same work.

The term of detention shall be from 15 days to six months, the shortest term of penalty during which the offender is deprived of freedom of action. An offender sentenced by the people's court to detention shall be held in detention in the vicinity of the offender's original residence by the public security organ. An offender

under detention may be given appropriate pay for labour performed during his term of sentence, and he may go home for one or two days every month.

Q: What are the stipulations in China's criminal law with regard to the death penalty?

A: In order to defend the dictatorship of the proletariat, safeguard socialist construction and guarantee the personal safety of the citizens, China cannot abolish the death penalty yet, but it adheres to the principle of executing the least possible number of persons. Our criminal law makes the following stipulations:

1. Narrow the scope of the death penalty. Article 43 states: "The death penalty shall

people's courts announced judgments and rulings on 69 criminals. Two prisoners who had violated the regulations of the prison and committed new offences while serving their time had their terms of imprisonment extended by one year and two years respectively, according to the stipulations of Article 66 of the criminal law. Sixty-seven other criminals who had shown repentance through labour were given paroles or mitigated penalties in accordance with the stipulations of Articles 71 and 73 of the criminal law.

Among the 33 criminals given paroles was a 25-year-old youth named Zhao Xinjian. He was sentenced to a 12-year term of imprisonment for robbery in 1976. After being reformed through labour and education in prison, he had a fairly good attitude towards admitting his guilt and doing productive labour. Considering that he was still young, the intermediate people's court, after a trial de novo in 1979, passed a new judgment on his case and reduced his term of imprisonment to six years. Greatly inspired by this, he showed increased initiative in labour. Last year, out of 10,000 hosiery

machine parts he processed, not a single one was defective and his labour efficiency was much improved. The court granted him a parole. Moved by this, he said at the meeting: "The Party and government have saved me from the

criminal road and given me a job. I'll sincerely mend my ways after I leave the prison and contribute to socialist construction." Now he has been assigned to a construction company in Beijing and is doing a good job at work.



Zhao Xinjian (fifth, right). His mother takes him home after his release on parole.

be imposed only on offenders who have committed the most heinous crimes." In the case of a counter-revolutionary offence, only an offender who causes particularly grave harm to the state and the people in a particularly flagrant way may be sentenced to death. Other criminal offences are covered in six articles — Nos. 106, 110, 132, 139, 150 and 155 in which the death penalty is invoked only against those who have committed homicide, arson, or large-scale embezzlement and whose cases are particularly serious.

The death penalty shall not be imposed on any person who has not reached the age of 18 at the time of the commission of the offence, or on a woman found to be pregnant during trial. An offender 16 years of age or more but under 18 who commits a particularly serious crime involving the death penalty can only be sentenced to death with a two-year reprieve.

2. Grant a two-year reprieve in administering the death penalty system. An offender who is sentenced to death may receive two years' reprieve only if the death penalty in the particular case is not one that must be exercised right away. The offender may be subject to a programme of reform through labour to see how he behaves. If the offender demonstrates sufficient repentance, the penalty shall be reduced to life imprisonment at the end of the two-year period. Where he has shown sufficient repentance and rendered meritorious service, the penalty shall, on the expiration of the two-year reprieve, be reduced to imprisonment for from 15 to 20 years. But if, during the period of reprieve, the offender's resistance to reform is flagrant, the death sentence shall be carried out upon the ruling of the Supreme People's

Court or after its examination and approval. Practice shows that the majority of offenders who are sentenced to the death penalty with reprieve are remitted from the death penalty.

3. Strict procedure must be observed. All death sentences (with the exception of those handed down by the Supreme People's Court pursuant to law) shall be submitted by the people's courts at various levels to the Supreme People's Court for examination and approval. The law of criminal procedure also stipulates: A death penalty can be carried out only with the signed writ from the President of the Supreme People's Court. Execution must be held up where the possibility of error is found to exist in the judgment or where the convict to be executed is pregnant.

Q: What are counter-revolutionary offences?

A: The criminal law stipulates: "Any act which jeopardizes the People's Republic of China for the purpose of overthrowing the political power of the dictatorship of the proletariat and overthrowing the socialist system is a counter-revolutionary offence."

Accordingly, a counter-revolutionary offence must fulfil two conditions. First, it must be an act which jeopardizes the People's Republic of China. This is the objective condition for a counter-revolutionary offence. Chapter 1 of the specific provisions in the criminal law has, in its various articles, the specific stipulations for these acts, such as committing treason, conspiring to overthrow the government or split the state, going over to the enemy and turning traitor, assembling groups for armed rebellion, organizing or leading a counter-revolutionary group, killing,

committing arson, destroying property, robbing, and inciting the masses to do evil for purposes of counter-revolution. Second, the offender must have committed the crime for the purpose of overthrowing the political power of the dictatorship of the proletariat and overthrowing the socialist system. This is the subjective condition for a counter-revolutionary offence. The two conditions mentioned must be present in any counter-revolutionary offence. In the absence of either one of the two conditions, an offence cannot be considered counter-revolutionary.

Q: Does China lay down any stipulations concerning an offender's age or ability to assume responsibility in cases of criminal liability?

A: In respect to age, the criminal law classifies offenders against the law as follows: 1. An offender under the age of 14 shall not bear criminal liability for his offence; 2. A person 14 years of age or more, but under 16, shall be held criminally liable only if he commits an offence of homicide, grievous injury, robbery, arson, or engages in habitual theft or commits other offences which gravely jeopardize public order, but he shall be given a lighter or mitigated penalty. 3. A person who has reached the age of 16 but is under 18 shall bear criminal responsibility for whatever offence he has committed, but he shall also be given a lighter or mitigated penalty.

The criminal law also stipulates: When the offender is under the age of 16, and therefore not punishable, his parents or guardian shall be obliged to subject him to discipline. His re-education may also be taken on by the government where the situation requires.

As for an offender's capacity for responsibility, the criminal law stipulates: "A person mentally deranged is not criminally liable for the harm he does when he is unable to differentiate or control his own actions." "Where an intermittently mentally deranged person commits an offence while sane, he shall be held criminally liable." The criminal law stipulates that a person committing an offence in a state of drunkenness shall be held criminally liable because he is not considered unable to bear responsibility. Deaf-mutes or the blind are not persons who are unable to bear responsibility, but in view of the fact that under certain circumstances their ability to distinguish right from wrong may be affected by their serious physio-

logical defects, the criminal law stipulates: In cases where such people commit offences, they shall be held responsible for the offence; but the penalty may be lighter or be mitigated or remitted.

Q: Can an offender be exempted from punishment if he does not know the law?

A: There is no such stipulation in China's criminal law. China's laws are widely publicized so as to make them known to every household and every person before and after their enforcement. Therefore, Chinese citizens do, in fact, understand what is meant by an offence. As for foreigners and stateless persons who come to China, they should, of course, also understand and respect China's laws.

Basic Principles of the Law of Criminal Procedure

by Zhang Zipei

NEW China's first criminal procedure law was originally scheduled to go into effect on January 1, 1980. Last February the Standing Committee of the National People's Congress decided: In view of the inadequate number of personnel qualified to deal with criminal cases (a consequence of disruption of the socialist legal system during the years of turmoil prior to 1976), the handling of criminal cases in 1980 may take longer than the limits specified in the criminal procedure law with the approval of the standing committees of the local people's congresses.

The law of criminal procedure consists of 4 parts, 17

The author is the head of the teaching and research section on procedural laws at the Beijing Institute of Political Science and Law.



chapters and 164 articles.

What are the basic principles of the law of criminal procedure? In my opinion, there are the following 12 points:

1) Exercise Powers and Functions According to Law. Article 3 stipulates: "The public security organ conducts the investigation, provisional apprehension and pre-trial of the criminal cases. The people's

procuratorate is in charge of approving arrests, conducting procuratorial control (including investigation) and preferring public charges. The people's court administers justice. No government organs, people's organizations or individuals other than these shall have such powers." These are the three organs which implement laws and supervise law enforcement.

2) Relying on the Masses. Article 4 stipulates: In criminal proceedings, the people's court, the people's procuratorate and the public security organ "shall rely on the masses."

As all counter-revolutionaries or other criminals commit their offences among the masses, they are bound to leave some traces of their actions among the people. Therefore, if we rely on the masses when making investigations, we can clear up cases more quickly and more accurately.

Judicial organs must canvass people's opinions widely and get their help—this is a special feature of our legal system. Professional judicial workers and professional legal knowledge are indispensable. But practice in past years proves that support and co-operation from the masses are important conditions in breaking cases and handling them correctly as well as in preventing the occurrence of crime.

3) Base Oneself on Facts, Take Law as the Criterion. Article 4 stipulates: In criminal proceedings, the people's court, the people's procuratorate and the public security organ "shall base themselves on facts and take law as the criterion." Taking law as the criterion means the laws must be complied with, their enforcement must be strict and law-breakers must be dealt with.

The law of criminal procedure stipulates: In dealing with all cases, "stress should be laid on evidence and investigation, and one should not be too ready to believe the confession of an accused. An accused shall not be sentenced without evidence other than his confession; he shall be convicted and punished on the basis of sufficient evidence even without his confession" (Article 35). "It is strictly forbidden to extort confession by torture or to gather evidence by illegal means such as threats, enticement or deception" (Article 32).

Articles 68 and 115 stipulate that a witness should produce true evidence and testimony. He will be dealt with according to law if he intentionally commits perjury or conceals evidence.

4) All Citizens Are Equal Before the Law. Article 4 stipulates: In criminal proceedings, "in the application of the law, all citizens are deemed equal; no privilege whatsoever is permissible before the law." In respect to administration of the law, all citizens are equal irrespective of nationality, race, sex, profession, social origin, religious belief, education, property and term of residence. Anyone who violates the law will be held criminally responsible irrespective of his social position.

5) Division of Work and Responsibilities, Co-ordination and Mutual Restriction. Article 5 stipulates: "In criminal proceedings, the people's court, the people's procuratorate and the public security organ shall have a division of work and responsibilities, and co-ordinate and restrict one another, so as to guarantee accurate and effective enforcement of law." Accordingly, a number of specific regulations have been drawn up



At an open trial.

in respect to the law of criminal procedure:

"The arrest of an accused shall be carried out by the public security organ upon approval by the people's procuratorate or decision by the people's court" (Article 39).

"Where the public security organ considers a decision of non-approval of arrest made by the people's procuratorate to be incorrect, it may request a reconsideration" (Article 49).

Where the people's procuratorate "finds out about an unlawful practice on the part of the public security organ engaged in an investigation, the latter shall be instructed to put it right" (Article 52).

"Upon conclusion of an investigation conducted by the public security organ, a written opinion for a public charge or exemption from a public charge shall be prepared, which shall be transmitted together with the files of the case and the evidence to the people's procuratorate at the same level for examination and decision" (Article 93).

Where the public security organ holds that a decision

of exemption from a public charge taken by a people's procuratorate on a case transferred from a public security organ is incorrect, it may request a reconsideration, and where its request is rejected, it may submit the case to the people's procuratorate at the next higher level for re-examination (Article 102).

The people's court should examine a case for which a public charge has been preferred by the people's procuratorate. It may turn the case back to the people's procuratorate for additional investigation if "the main facts are unclear and the evidence is insufficient. It may request the people's procuratorate to withdraw the charge where the offence need not be punished" (Article 108).

Where the people's procuratorate "considers a judgment or a ruling of first instance handed down by the people's court at the same level to be definitely in error, it shall lodge a protest against the judgment or the ruling to the people's court at the next higher level" (Article 130).

"The procurator present is entitled to express his opinions to the bench for putting right any violation of law at the hearing when discovered" (Article 112).

6) The Various Nationalities Use Their Own Spoken and Written Languages in Criminal Proceedings. Article 6 stipulates: "Citizens of all nationalities have the right of using their own languages in criminal proceedings. The people's court, the people's procuratorate and the public security organ shall provide interpretation for a litigant participant unacquainted with the spoken and written language commonly used in the locality. In districts compactly inhabited by a minority nationality or by a number of nationalities, trials and inquiries shall be conducted in the commonly used spoken language in the locality, and written judgments, public notices and other documents issued in the commonly used written language in the locality." This stipulation takes into account that China is a multi-national country. (It has 55 nationalities besides the Hans.)

7) A Trial of Second Instance Is a Trial of Final Instance. Article 143 stipulates: "Either the judgment or ruling derived from a trial of second instance or that handed down by the Supreme People's Court shall be that of final instance."

In China, local people's courts are divided into three levels: basic people's courts, intermediate people's courts and higher people's courts. At the national level there is the Supreme People's Court. A litigant contesting a judgment of first instance rendered by a local people's court at any level has the right to file an appeal to the people's court at the next higher level. The local people's procuratorate may lodge a protest against a judgment to the people's court at the next higher level. Judgment of an appellant case or protested case (i.e., a case of second instance) by the people's court at the next higher level is a judgment of final instance.

The reason that a litigant has the right to file an appeal and a people's procuratorate to lodge a protest against a judgment of first instance is to enable the people's court at the next higher level to examine whether the judgment of first instance made by the people's court is correct or not in the confirmation of facts and in the application of law. In this way, the people's court at the next higher level can correct a possible mistake in time.

8) Open Trial. Article 8 stipulates: "The people's court conducts all trials publicly, unless otherwise provided for by the present law." Cases not to be tried publicly are those where state secrets or individual privacy are involved or in which the offenders are minors.

By conducting public trials, the masses are able to supervise the trials and are given a chance to receive legal education, and the court is in a better position to make a correct judgment or just ruling.

9) The Accused Has the Right of Defence. The principle of defence stipulated by the law of criminal procedure is: "The accused has the right of defence, and the people's court is obliged to guarantee that he has defence" (Article 8).

The chapter on defence stipulates: "Besides exercising the right to defend himself, an accused may entrust any of the following people with his defence: (a) Lawyers; (b) Citizens recommended by a people's

organization or the institution in which the accused works, or those approved by the people's court; or (c) Close relatives or guardians of the accused" (Article 26).

"The people's court shall assign an advocate for the accused if he has not called in any" (Article 27).

The law of criminal procedure stipulates: "A defence lawyer may inspect the files in question, acquaint himself with the details of the case and interview and correspond with the accused. The other advocates may, upon permission of the people's court, be informed of the details of the case and interview and correspond with the accused" (Article 29).

10) Participation of People's Assessors in Trials. Article 9 stipulates: The people's court practises a system of participation by the people's assessors at a trial. The chapter on trial group stipulates: In cases of first instance in the basic people's court and the intermediate people's court, justice is administered by a collegiate bench made up of a judge and two people's assessors. In cases of first instance in the higher people's court and the Supreme People's Court, justice is administered by a collegiate bench made up of one to three judges and two to four people's assessors. Article 105 stipulates: "The people's assessors, during the exercise of their functions in the people's court, have equal rights with the judges."

According to the law, people's assessors are elected by citizens simultaneously with the election of deputies to primary people's congresses (the people's congress is an organ of state power). This electoral system, which was suspended during the ten years of turmoil, is now

being resumed. At the present time, the people's assessors are recommended by the organizations concerned (factories, schools, people's communes and so on), and formally invited by the people's court after consultation between the people's court or judicial administration department and these organizations.

11) Rights of Litigant Participants Guaranteed. "A litigant participant has the right to bring an accusation against a judge, a procurator or an investigator who has encroached upon the litigant rights of a citizen or committed an act of personal insult" (Article 10).

Litigant participants enjoy

full rights in proceedings, such as: the accused has the right to defend himself or entrust an advocate to defend him; he has the right to ask a judge, a procurator or an investigator who is in some way interested in the case to withdraw; he has the right to call in new witnesses and a special witness, and to gather new evidence; during court trial he has the right to examine evidence, to debate and to make a final statement; and he has the right to file an appeal against a judgment of first instance.

12) Principles for Not Pursuing Criminal Liability. Article 11 stipulates: In any of the following circumstances, no criminal

liability shall be pursued: where the offence is obviously a petty one, the harm done is insignificant, and the case is thus not deemed to be a criminal offence; where the prescription has expired (for instance, an offender unapprehended and unpunished for five years while the maximum term of sentence for his offence is less than five years); where the offender has been exempted from penalty by a special pardon; where no private charge has been made or where such a charge has been withdrawn in a case which, according to the criminal law, shall not be accepted unless a complaint is lodged. □

China's Lawyers

CHINA'S lawyers are organized to practise law collectively. If a lawyer is wanted or needed, he is assigned to the case by the lawyers' organization; he himself cannot accept a request to handle a case. A lawyer's salary is paid by the state.

Chinese lawyers generally do the following types of work:

- Explain questions concerning the law, give advice for resolving legal problems, and draft documents for litigants;
- Accept the entrustment of a litigant and the assignment of a people's court to serve as an advocate for a criminal case or as a representative of a civil case;
- Accept the entrustment of an institution, enterprise, organization or establishment to act as its legal adviser.

New China first established its system of lawyers in the mid-1950s. Lawyers' organizations were set up in 1957 in various big and medium-sized cities and larger counties throughout the country. There were more than 2,500 full-time lawyers and another 350 part-time lawyers.

During the Cultural Revolution, when the ultra-Left trend of thought was rampant, all lawyers' organizations were disbanded. Lawyers were condemned as advocates for counter-revolutionaries and other criminals. This is an important reason why there were so many cases of frame-ups and why the socialist legal system was so seriously damaged.

In recent years, the system of legal practice has been gradually restored. In 1978, lawyers in Beijing began to appear in court as advocates. In April last year, a lawyers' association was set up in Beijing and the legal advisers' office was restored. Lawyers' organizations have been re-established in a number of places and many veteran lawyers have resumed their former work. In order to strengthen the socialist legal system, great efforts are being made to train the professional personnel needed, including lawyers.

Since lawyers' salaries are paid by the state, doesn't this affect their ability to work independently? A lawyer said in reply: "There is no such thing as absolute independence. We are government functionaries and as such, must handle affairs strictly in accordance with state laws. If one bends

the law for the benefit of one's relatives or friends, he is punished. I think we practise law more independently than those hired by big firms or wealthy people. In old China there was a saying: 'The *yamen* (government office in feudal China) opens to the south; those with justice on their side but no money need not enter.' In those years, a lawyer's office was almost the same as a *yamen*."



Beijing's legal advisers' office.

ARTS

Some Outstanding Works

The Ministry of Culture and the Chinese Artists' Association awarded prizes to 82 of the 419 works selected and displayed in the national arts exhibition held to mark the 30th anniversary of the founding of the People's Republic of China.

First-class prizes were given to *The People and Premier Zhou*, a traditional Chinese painting by Zhou Sicong, the illustrated serial *Maple* by Liu Yulian, Chen Yiming and Li Bin, and *Master*, a woodcut by Xu Kuang and A Ge.

The painting *The People and Premier Zhou*, by the young woman artist Zhou Sicong, is simply rendered in ink. It depicts the late Premier Zhou's visit to Xingtai in Hebei Prov-



Maple.
by Liu Yulian, Chen Yiming
and Li Bin

ince the day after a strong earthquake had struck the area in early 1966. Premier Zhou stands surrounded by young and old people, calm.

grim but radiating confidence. A robust middle-aged peasant in whose eyes one can read joy and sorrow is there by the Premier. An old granny looks into Premier Zhou's eyes which show the Party's concern for the local people and confidence in overcoming difficulties. Against shattered houses and



Master.
Woodcut by Xu Kuang and A Ge

debris, tension and relief are well depicted and are indicative of the artist's command of pictorial expression.

The series of illustrations *Maple* is based on a short story of the same title. Dan Feng (Red Maple) is a middle school girl during the Cultural Revolution. Duped by Lin Biao and the gang of four, she fights stubbornly for her faction and then jumps off a tall building to her death. Daring to represent the environment and the characters of the ten tumultuous years, the three young painters have treated this misguided girl sympathetically and sensitively. The naive expression on her face and her



The People and Premier Zhou.

Traditional Chinese painting by Zhou Sicong

senseless, tragic death stir anew our hatred for Lin Biao and the gang of four for misleading fine young people to destruction and death during the Cultural Revolution.

Master is a black-and-white woodcut portrait of a Tibetan worker, one of the first-generation workers in Tibet. The muscles of this smiling worker are finely and painstakingly engraved but his clothes are done in sweeping splashes of black to achieve a picture of solid strength and flowing movement.

SURGERY

Bladder Stone "Bombed Out"

A Chinese surgeon has successfully removed a bladder stone from a man by inserting a "miniature bomb" inside the patient's bladder and blasting the stone to small pieces. This is the first time a stone has been removed like this from a living man.

The operation was carried out on April 8 at the urology department of the Central Hospital in Xian, the capital of Shaanxi Province. The patient is Jia Guimin, a 40-year-old worker.

The surgeon inserted the "bomb" into the patient's bladder along the urinary tract. The stone, 1.1 centimetres by 0.8 centimetres, was immobilized and broken into four pieces and some sand-size grains by "directional blasting." All the pieces were discharged naturally afterwards.

The surgeon reported that there was no damage to the walls of the bladder and that Jia had only a slight sense of vibration and numbness in his lower abdomen when the ex-

plosion occurred. Jia is now back at work.

This technique was proposed to Dr. Xu Mingcheng by explosives expert Zhang Jianzhong who got the idea from foreign books he had read. Dr. Xu designed and made the instrument needed in the operation with help from Chen Wenying, a teacher of the Xian Engineering Institute, and some workers from a factory attached to the institute. They carried out more than 100 extra-corporal experiments and 13 were performed with test animals, before they worked out the correct charge, solved sterilization of explosives and other problems.

ESPERANTO

30th Anniversary of "El Popola Cinio"

May 22 this year marked the 30th anniversary of the publication of the Esperanto monthly *El Popola Cinio* by the All-China Esperanto Association.

El Popola Cinio was started in May 1950, and is distributed now in 65 countries and regions

of the world, particularly in Western and Eastern Europe.

The magazine is mainly devoted to China's achievements in building socialism, the material and cultural life of the Chinese people, their outlook and new ways of living. It also carries articles about China's history, geography and culture, the activities of Esperanto users at home and abroad, as well as international issues of common interest.

Esperanto publications were started in China in the 30s by Chinese progressives, who under the slogan of "Use Esperanto to help liberate China" put out books and journals about the Chinese people's fight against Japanese aggression and about the democratic, revolutionary movement in China.

Besides *El Popola Cinio*, some 200 titles of books in Esperanto have been put out since the founding of New China in 1949. Radio Peking has been broadcasting in Esperanto many hours a week. Chinese Esperanto users have worked to promote understanding and friendship between the Chinese people and the peoples of various countries.



Exhibition of Esperanto books and periodicals in Beijing.

BOOKS

A Galaxy of Characters

Four Generations Under One Roof (in Chinese)

《四世同堂》

By Lao She,

Published by Baihua Literature Publishing House, Tianjin,

Distributed by Xinhua Bookstore, Tianjin,

Vol. I Renminbi 1.20 yuan,

Vol. II Renminbi 1.80 yuan.

Four Generations Under One Roof was written by Lao She (1899-1966), a famous novelist and playwright, in the 1940s.

A trilogy consisting of *Apprehension*, *Ignoble Existence* and *Famine*, it is set during the Japanese occupation of Beiping (present Beijing) after 1937 and describes the life of the residents in an ordinary Beiping alley. Lao She's skill as a writer is revealed in his characterization of some 17 families with 130 characters, old and young. Although numerous, each is dis-

tinguishable from the other. They include young patriots who storm enemy positions, a staunch poet ready to be jailed at any time, a patriotic but timid teacher, those on the lowest social rungs who are on the verge of starvation, and dregs of society.

Through complex interactions, the trilogy describes the patriotism and lofty spirit of the Beiping people and the brutality, weakness and shamelessness of the Japanese aggressors and their lackeys. It drives home the point: "The only way out is to rise in resistance."

This book also contains a vivid and detailed account of local mores. It acquaints the readers with wedding and funeral ceremonies and social practices in Beiping in the 30s as well as cultural traditions that can be traced back to antiquity.

Apprehension and *Ignoble Existence* were first published separately before liberation. *Famine* was initially serialized in the monthly magazine *Novel* in 1950. This is the first time that the trilogy has been brought out in total, though English and Japanese editions were published abroad earlier.

Lao She was a serious, devoted and diligent writer. He wrote nearly 70 novels, plays and essays in the 40 years since he began his literary career in 1926. Among his most famous works are *Camel Xiangzi* (*Rickshaw Boy*), *The Life of Niu Tianci* and plays *Teahouse*, *Dragon Beard Ditch* and *Looking Westward to Changan*.

Publication News

• *Selection of Traditional Chinese Paintings of He Xiangning*, published by the Guangdong People's Publishing House, has been on the market in Beijing, Shanghai, Tianjin and

Guangzhou since February. On the cover is the painting *Plum Blossom and Narcissus* done by the painter in 1935, together with a calligraphic inscription by Ye Jianying, Chairman of the Standing Committee of the National People's Congress. This selection contains 27 works done between 1914 and 1962, an article by her son Liao Chengzhi "My Mother and Her Paintings" and a poem written by the well-known poet Zhao Puchu.

He Xiangning (1878-1972) was Vice-Chairman of the Standing Committee of the National People's Congress, Chairman of the Revolutionary Committee of the Kuomintang and President of the Chinese Artists' Association.

• *China and I* is a memoir by Li Zongren, former vice-president and acting president of the Kuomintang government in Nanjing. It has been serialized since the beginning of this year by the quarterly *Xueshu Luntan* (Academic Tribune) of the Academy of Social Sciences of Guangxi Zhuang Autonomous Region.

This 600,000-word memoir was written when the author was in the United States. His son Li Youlin sent the manuscript home for publication in Guangxi. The Cultural and Historical Data Research Committee under the Guangxi committee of the Chinese People's Political Consultative Conference checked dates and facts and added footnotes before publication.

Li Zongren came from Guilin in Guangxi. He left for the United States before southwest China was liberated in December 1949 and lived in New Jersey for 16 years. He returned to China in 1965 to work for the reunification of the motherland. He died of illness on January 30, 1969 in Beijing.



An illustration by Ding Cong for Lao She's *Four Generations Under One Roof*.

● **Young Workers Contribute to Four Modernizations**

China has 22 million workers below the age of 28. They make up one-third the country's total work-force and are responding to the country's modernization drive with enthusiasm.

More than 3,400 young workers and over 400 youth collectives have been cited as advanced workers or collectives in the nation.

One of the collectives cited for its excellent work is the quality inspection group at the Beijing Chemical Plant. The group is made up of 28 young people who joined the plant in 1974. All are enrolled in spare-time study courses. Several are studying foreign languages to read technical material in the original.

Last year young workers of this plant devised 25 new production techniques and saved the plant nearly half a million yuan.

Hao Lin, a woman worker, aged 23, devised 20 methods for examining the plant's products after a study of the experience of other works and foreign data.

Pan Jianguo, 26, of the plant's instrument and meter workshop, had only four years of schooling when he entered the plant, but he studied in his spare time and made up a lot of lost ground. With veteran workers' help, he designed and assembled an automated gauge worth 220,000 yuan for a chemical installation for export and was cited as a national advanced worker.

Ma Shusheng, secretary of the Communist Youth League

of the No. 4 workshop which produces reagents, was another cited as a national advanced worker. He said he was tired of the gang of four's empty "revolutionary" slogans and of the anarchism in society and at his workplace. After the gang's downfall, he said, he could see China was on its way to modernization and he wanted to join in the great project.

His talents have found an outlet in dealing with production problems and making technical improvements. One of these has doubled the work efficiency. In the first few months of this year, he again succeeded in improving the technological process of a certain product that both raised productivity and minimized chemical pollution.

The enthusiasm of the plant's vanguard workers is typical of the sentiment shared by most young workers in China. The young miners in Jilin, Shanxi and Hebei Provinces are starting a drive to produce more coal and the 220,000 young weavers in Beijing, Shanghai and Tianjin began a production drive

starting from April 1 to produce each 10,000 metres of flawless cloth.

● **Hangzhou Children's Palace**

The Children's Palace in Hangzhou, Zhejiang Province, is on the north bank of West Lake, one of China's famous scenic spots. It occupies an area of over 5,000 square metres and is very popular with the children of the city.

In the palace there is a room for showing lantern-slides, a cinema, a planetarium, a library, a playground and a table tennis room. In addition, 17 hobby groups have been established for children interested in astronomy, meteorology, radio, model aeroplanes, calligraphy, drawing, arts and crafts, music and dancing.

Children join these groups which meet once or twice a week for one or two years. Many young people who are now in middle schools, colleges or working in factories and government offices still remember how pleasant and rewarding were the days they had spent in the palace.



Radio group of the
Hangzhou Children's
Palace.

People in the News



Chen Huojin was made a national model worker for achievements attained in the new industrial technique of explosion. This technique can produce large machine parts and articles which are difficult to make by casting and forging, and can weld parts of different metals together.

Chen has been involved in the technical side of forging and pressing in the Dalian Shipyard, Liaoning Province, since 1962. The country then was in economic difficulties. Chen decided to help update the backward casting, forging and pressing equipment. He set about studying the new technique of "explosion casting." He diligently studied the explosive dynamics and the properties of explosives, collected technical data and material and modestly learnt from other technicians and specialists.

Then he made experiments regardless of his personal safety. During the day, he worked with other workers. In the evening he studied at home, made calculations and plans. One day, he was hospitalized with 20 injuries sustained during an experimental explosion. As soon as he was a bit better he left the hospital and continued his experiments.

The experiment was successful and has been introduced in production. Then he went on to complete experiments to fuse different metals by this explosion method. This was also successful.

For his achievements Chen was awarded the title of national advanced scientific worker at the 1978 national science conference. The new technique has been used to process thousands of parts for the most advanced industrial branches.

Take Yu Xinghua, engineer of the Hangzhou Oxygen Machinery Plant for example. He recently wrote back, saying: "The scientific activities in the palace helped me establish good thinking habits and build up will power, which I find very helpful today." After finishing university Yu made his contribution to the motherland by his work on cryogenic techniques. Qian Shaomin, a member of the calligraphy group, used to write badly with a brush until instructors at the children's palace took him in hand. He is now a promising young calligrapher.

Ye Wenzheng is a 14-year-old student who played with paper planes before he went to school. When he first joined the model aeroplane group, he was full of curiosity, but understood little.

After a while with the group he was able to follow scientific talks, read up material he wanted and call on scientists. His knowledge of aeroplanes grew and he began making various types of model aeroplanes. Then last year at the national exhibition of scientific works by young people held in Beijing, the model plane his group made for farming purposes got a second prize.

Most members of the hobby groups are activists selected from various schools in Hangzhou.

The activities of this children's palace have the support of people from all walks of life. Various professionals come to give the children lectures and to teach them.

Government and scientific departments and factories donate equipment, instruments and costumes.

● A New Medicinal Toothpaste

People are flocking to buy a new toothpaste that helps prevent and alleviate colds and flu. This is the Xuelian toothpaste invented this year by Wu Weiren who works in a toothpaste factory in Xining, Qinghai Province.

The brand the factory produced earlier had not sold very well so Wu hit on a bright idea of making a toothpaste which would help prevent the common cold. He got his idea from a popular toothpaste containing sodium fluoride which has proved beneficial in preventing dental caries.

He got his factory leadership's permission to go ahead and try. Wu decided he would turn to traditional Chinese medicine for help. He read up about various Chinese medicinal herbs, asked doctors for advice, analysed and studied various herbs generally prescribed for colds. After many trials, he succeeded in making up a prescription which could be used along with toothpaste ingredients. Then he carried out experiments to get out a toothpaste that helps prevent colds and flu.

The first batch of Xuelian toothpaste was sent to the Xining No. 1 People's Hospital for clinical examination. They were tried on 3,600 people with colds. It was found that most users benefited from it, with 63 per cent reporting marked benefits. Dentists have found that Xuelian toothpaste users have healthier teeth and gums.



"PEACOCK" ENAMELWARE



- *A large variety to choose from*
- *Lovely designs in many colours*
- *Fine quality*
- *Easy to keep clean*

CHINA NATIONAL LIGHT INDUSTRIAL PRODUCTS IMPORT & EXPORT CORP.

Tianjin Branch

172, Liao Ning Road, Tianjin, China

Telex: 22506 TJLIP CN

Cable Address: "Industry" Tianjin